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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,356	01/28/2004	Graham R. Holliday	33317	2897
29669	7590	05/04/2005		
PEARSON & PEARSON, LLP 10 GEORGIA STREET LOWELL, MA 01852			EXAMINER CONSILVIO, MARK J	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,356

Applicant(s)

HOLLIDAY ET AL.

Examiner

Mark Consilvio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/20/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of the claim for benefit of Title 35, United States Code, Section 120 of the United States provisional application 60/319923.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/20/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brun (US Patent No. 5,793,522) in view of Meginnis (US Patent No. 4,436,375).

With respect to claims 1 and 6, Brun discloses an infrared sight glass (7) for fitting over an aperture (8) on an enclosure of electrical equipment (3) for thermographic inspection comprising: means for supporting (11) an infrared transmitting medium (10); means for attaching (21) the supporting means (11) adjacent to the aperture (8) on the enclosure of the electrical

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equipment (3); and means for attaching (27) a cover (26) to an outer surface of the supporting means (11). Brun discloses the supporting means (11) comprises holes (25) for receiving screws to attach said supporting means to the enclosure. Brun does not expressly disclose attaching the supporting means without accessing an inside of the enclosure. Meginnis discloses a sight glass where the supporting means (10) is attached via attaching means (20) through holes (21) without accessing an inside of the enclosure. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to allow attachment of the supporting means without accessing an inside of the enclosure. One of ordinary skill in the art would have been motivated to do this so the sight glass could be easily and quickly inspected, cleaned, repaired, or replaced after initial operation.

With respect to claim 2, Brun discloses the cover (26) comprises security keying (col. 5, lines 12-34).

With respect to claim 3, Brun discloses the supporting means (11) comprises a first gasket (15) positioned between said infrared transmitting medium (10) and recessed portion of the supporting means (11) (fig. 2).

With respect to claim 4, Brun discloses the first gasket (15) comprises a double-sided self-gasket (col. 4, lines 46-64).

With respect to claim 5, Brun discloses a second gasket (12) is positioned between a ring surface (13) of said supporting means (11) and a corresponding surface around the aperture (8) of said enclosure (fig. 2).

With respect to claim 7, Brun and Meginnis are silent to the addition of a tag shield to the sight glass. However, it is well known to attach tags to any object at a variety of convenient

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positions. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to add a tag shield having an aperture corresponding to and adjacent to the aperture of said enclosure, the tag shield being positioned between said enclosure and said supporting means. One of ordinary skill in the art would have been motivated to do this a number of reasons including allowing the addition of a name tag, barcode, or label for identification purposes, a meter or scale to obtain status information, and/or a seal to indicate possible tampering.

With respect to claim 8, Brun and Meginnis are silent to the further addition of gaskets on either side of the tag shield. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to add a third gasket is attached between said tag shield and a ring surface of said supporting means, and a fourth gasket is attached between said tag shield and around the aperture of said enclosure. One of ordinary skill in the art would have been motivated to do this to properly seal the sight glass assembly.

With respect to claims 11-13, Brun and Meginnis disclose or suggest all the limitations of claims 1-8 as discussed supra. However, the examiner notes while Brun and Meginnis are silent to a method of manufacturing such a device, the steps of supporting, attaching, and providing are very broad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the sight glass of Brun and Meginnis with the method of claims 11-13, since the method steps are obvious in light of the resultant structure. Therefore, claims 11-13 rejected for the same reasons previously stated regarding claims 1, 6, and 7, respectively.

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Claims 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brun (US Patent No. 5,793,522) in view of Meginnis (US Patent No. 4,436,375) and in further view of Roby (US Patent No. 2,013,448).

Brun and Meginnis disclose or suggest all the limitations of claims 1 and 11. While Brun and Meginnis do not expressly disclose diametrically opposite holes for receiving the attaching means or screws with predetermined keying, Roby discloses a sight glass cover (35) comprises diametrically opposite keyhole slots (61) for receiving screws (41) with predetermined keying to fit the keyhole slots and enabling the cover to be moved into a secured position on the sight glass (fig. 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to replace the swivel and locking means of Brun and allow attachment of the cover by using diametrically opposite keyholes for receiving screws with predetermined keying. One of ordinary skill in the art would have been motivated to do this for a variety of reasons including allowing the cover to be easily and quickly removed for cleaning, inspection, or replacement of the cover.

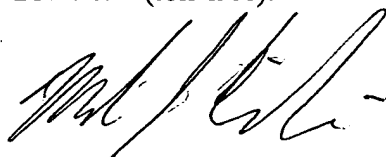
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Consilvio
USPTO Patent Examiner
Jefferson, 3C21 AU-2872
(571) 272-2453



DREW A. DUNN
SUPERVISORY PATENT EXAMINER